

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RYAN JAMES,

Plaintiff,

-against-

THE CITY OF NEW YORK, COMMISSIONER
RAYMOND KELLY, DEPUTY INSPECTOR THOMAS
J. HARRIS, POLICE OFFICER HAILYN OLIVERAS
SHIELD NO. 16967, POLICE OFFICER JASMIN
NIKOVEVIC SHIELD NO. 10577, POLICE OFFICERS
JOHN DOE #1-5,

Defendants.
-----X

**NOTICE OF MOTION
FOR SUMMARY
JUDGMENT BASED
ON QUALIFIED
IMMUNITY**

07 CV 7107 (CM)

PLEASE TAKE NOTICE that, pursuant to the individual practices of the Honorable Judge Colleen McMahon defendants¹ City of New York, Police Commissioner Raymond Kelly, Police Officer Hailyn Oliveras and Police Officer Jasmin Nikoveic, will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure based on Qualified Immunity and in accordance with Judge McMahon's individual practices, on the grounds that the defendants' Hailyn Oliveras and Jasmin Nikovevic are entitled to qualified immunity on some or all of plaintiff's claims.

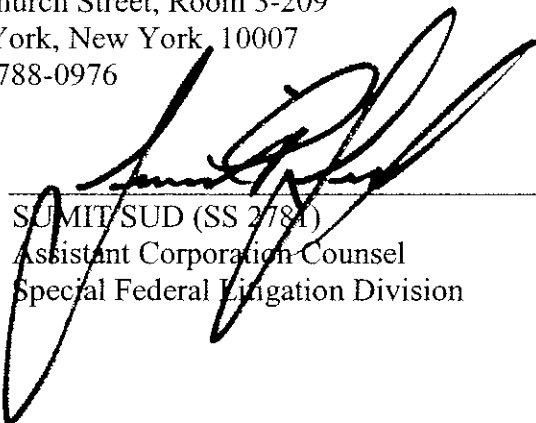
¹ Upon information and belief, the individual identified in the caption of the Complaint as "Deputy Inspector Thomas J. Harris" has not been served with the Summons and Complaint and therefore, is not a defendant in this action at this time. Defendants reserve their right to move pursuant to Rule 56 of the Federal Rules of Civil Procedure based on Qualified Immunity on behalf of Thomas J. Harris if he is properly served with process and is made a party to this action.

PLEASE TAKE FURTHER NOTICE that such motion will be submitted following the prescribed period of discovery set forth in the Court's Individual Practices.

Dated: New York, New York
November 20, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York, Police
Commissioner Raymond Kelly, Police Officer
Hailyn Oliveras and Police Officer Jasmin
Nikovevic
100 Church Street, Room 3-209
New York, New York, 10007
(212) 788-0976

By:



SUMIT SUD (SS 2781)
Assistant Corporation Counsel
Special Federal Litigation Division

To:

Cynthia Conti-Cook, Esq.
Attorney for Plaintiff
Stoll, Glickman & Bellina LLP
71 Nevins Street
Brooklyn, New York 11217 (BY ECF & BY MAIL)

DECLARATION OF SERVICE BY MAIL

I, SUMIT SUD, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on November 20, 2007, I served the annexed NOTICE OF MOTION upon the following counsel of record by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to said counsel of record at the address set forth below, being the address designated by plaintiff for that purpose:

Cynthia Conti-Cook, Esq.
Attorney for Plaintiff
Stoll, Glickman & Bellina LLP
71 Nevins Street
Brooklyn, New York 11217

Dated: New York, New York
November 20, 2007



SUMIT SUD
ASSISTANT CORPORATION COUNSEL

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10577, POLICE OFFICERS JOHN DOE #1-5,

Defendants.

NOTICE OF MOTION

MICHAEL A. CARDOZO

Corporation Counsel of the City of New York

Attorney for Defendants

100 Church Street

New York, New York 10007

Of Counsel: Sumit Sud

Tel: (212) 788-1096

NYCLIS No.

Due and timely service is hereby admitted.

New York, N.Y., 200...

..... Esq.

Attorney for